

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5214. Adulteration of prunes. U. S. v. 33 Boxes of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 10036. Sample Nos. 14453-F, 14454-F.)

On June 14, 1943, the United States attorney for the District of Arizona filed a libel against 33 boxes of prunes at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 28, 1942, by Guggenheimer & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, insects, larval excreta, webbing, and tunneling. The article was labeled in part: "Daphne Brand California * * * Prunes."

On August 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5215. Adulteration of seedless raisins. U. S. v. 67 Cases of Seedless Raisins. Default decree of condemnation and destruction. (F. D. C. No. 9988. Sample No. 31039-F.)

On June 14, 1943, the United States attorney for the Western District of Washington filed a libel against 67 25-pound cases of seedless raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 24, 1942, by the Lion Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, beetles, insect excreta, webbing, and pupa cases. The article was labeled in part: "California Raisins * * * Lion Brand Midget California Natural Thompson Seedless Raisins."

On July 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FRUITS

5216. Adulteration of apple pomace. U. S. v. 1,300 Bags of Apple Pomace. Consent decree of condemnation. Product ordered released under bond to be brought into conformity with the law. (F. D. C. No. 9744. Sample No. 36981-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce and, when examined, many of the bags had been torn and the product was contaminated with rodent pellets, rodent hairs, and insect fragments.

On April 1, 1943, the United States attorney for the District of Maryland filed a libel against 1,300 100-pound bags of apple pomace at Baltimore, Md., in the possession of the S. J. Van Lill Co., of Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 29 to December 1, 1942, from Orrtanna, Pa., Mt. Jackson, Va., and Peach Glen, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On May 14, 1943, the S. J. Van Lill Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into conformity with the law under the supervision of the Food and Drug Administration. The fit portion was segregated and released and the remainder was denatured.

5217. Misbranding of candied fruit. U. S. v. 783 Baskets of Candied Fruit. Default decree of condemnation. Product ordered distributed to welfare organizations. (F. D. C. No. 9857. Sample Nos. 37178-F to 37180-F, incl.)

On April 22, 1943, the United States attorney for the District of Columbia filed a libel against 783 baskets of candied fruit at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 19 to 26, 1943, by the Seminole Fruit & Preserving Co., Inc., from Miami, Fla.; and charging that it was misbranded. The article was labeled in part: "Cobbs Pure Tropical Fruit Delicacies * * * Net Wt. 1 Lb. [or "8 oz."]."

The article was alleged to be misbranded (1) in that the statements "Net Wt. 1 Lb." or "Net Wt. 8 oz." were false and misleading as applied to articles that were short of the declared weights; and (2) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. Two of the lots were alleged to be misbranded further in that their

containers were so filled as to be misleading, since in one of the lots the bottom layer was not full and contained candied fruit of inferior quality when compared with the top layer, and, in the other lot, more than half the volume of the basket was occupied by paper.

On May 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to welfare organizations.

5218. Misbranding of glace fruits. U. S. v. 68 Boxes of Glace Fruits. Default decree of condemnation and destruction. (F. D. C. No. 9998. Sample No. 3376-F.)

On May 25, 1943, the United States attorney for the Western District of Missouri filed a libel against 68 boxes of glace fruits at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 22, 1943, by Grace A. Rush, Inc., from Cincinnati, Ohio; and charging that it was misbranded. The article was labeled in part: "Martha Ann Glace Fruits."

The article was alleged to be misbranded in that its container was so made and filled as to be misleading since the double wall and false bottom occupied two-thirds of the volume of the box.

On July 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5219. Adulteration of cold pack strawberries. U. S. v. 48 Barrels of Cold Pack Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 9745. Sample No. 32487-F.)

On April 9, 1943, the United States attorney for the Northern District of Ohio filed a libel against 48 barrels of cold pack strawberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 17, 1943, by the Cloverdale Co-operative Berry Association from Kalama, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, moldy berries.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

5220. Misbranding of canned whole beets. U. S. v. 653 Cases of Canned Whole Beets. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9794. Sample No. 8000-F.)

On April 14, 1943, the United States attorney for the District of Minnesota filed a libel against 653 cases, each containing 24 cans, of whole beets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 25, 1943, by the Fuhremann Canning Co. from Appleton, Wis.; and charging that it was misbranded. The article was labeled in part: (Cans) "Home Brand Small Whole Beets * * * Distributed by Griggs, Cooper & Co. St. Paul, Minn. * * * No. of Beets Approx. 12 to 15."

The article was alleged to be misbranded in that the following statements "Small Whole Beets * * * No. of Beets Approx. 12 to 15" were false and misleading since the beets were not small, and less than 12 beets were present in the container.

On June 1, 1943, Griggs, Cooper & Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5221. Adulteration of canned cut okra. U. S. v. 295 Cases of Canned Cut Okra. Default decree of condemnation and destruction. (F. D. C. No. 9933. Sample No. 30985-F.)

Examination showed this product to be sour and decomposed.

On May 14, 1943, the United States attorney for the Western District of Washington filed a libel against 295 cases, each containing 24 cans, of cut okra at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 28, 1943, by Encinal Terminal, from Alameda, Calif., and that it was invoiced by the A. M. Beebe Company, Inc., of San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.